state constitution. This feature only adds the question of interpretation. The fund was originally created for school purposes. In view of the many decisions as to what is a public purpose in taxation it would seem, that this decision which says that the creation of a teachers' pension fund is germane to the general purposes for which the tax was authorized is reasonable. An extended discussion of the constitutionality of teachers' pensions will be found in 11 MICH. L. REV. 451, and 12 MICH. L. REV. 105.

CONSTITUTIONAL LAW—TAXATION OF FOREIGN CORPORATIONS—PRIVILEGE OF DOING DOMESTIC BUSINESS.—A statute provided that every foreign corporation should pay the commonwealth, in addition to a tax imposed by a previous statute, an excise tax of one-hundredth of one per cent of the value of its capital stock in excess of $10,000,000, the entire authorized capital stock to be used for a measure of the tax. Plaintiff sought to recover money paid under such act. *Held,* the act is constitutional and the tax is collectible by the state. *International Paper Co.* v. *Commonwealth,* (Mass., 1917), 117 N. E. 246.

Cases in the early history of corporation law held that a state had the power to tax a foreign corporation for the privilege of engaging in domestic business, even though such corporation was engaged at the same time in interstate commerce. *Bank of Augusta* v. *Earle,* 13 Pet. 519; *Western Union Tel. Co.* v. *Alabama,* 132 U. S. 472. But in *Western Union Tel. Co.* v. *Kansas,* 216 U. S. 1, the court declared, a statute which taxed the foreign corporation by a graduated scale for the privilege of doing intrastate business, unconstitutional, as violative of the Fourteenth Amendment and burdening interstate commerce, because the tax was considered by the court as a tax upon the interstate business as well as the domestic business. See 8 MICH. L. REV. 572. Later, in *S. S. White Dental Mfg. Co.* v. *Massachusetts,* 231 U. S. 68, a tax for the same privilege with a fixed maximum of $2,000, the tax was held valid and the Kansas case is distinguished on the ground that the interstate and local business was not so connected as they were in the Kansas case. See 12 MICH. L. REV. 210. The instant case goes further, and the pendulum is swinging back to where it was in the early history of corporation law. In the principal case there was no maximum; a tax measured by the entire capital stock, though it had only a small portion of its property within the state, was to be paid for the privilege of doing domestic business. Inasmuch as the power to tax carries with it the power to destroy, this decision holds that the state may totally prohibit the doing of intrastate business by a foreign corporation carrying on interstate commerce. The case will undoubtedly be carried to the United States Supreme Court and it will be of interest to note whether the dissenting opinion by HOLMES, J., in the Kansas case will at last come into its own.

CONTRACTS—RESTRICTION UPON RESALE PRICE.—Plaintiff, as manufacturer of Ford Automobiles sued to restrain defendant "from engaging in what the plaintiff claims to be unfair practices, by which its rights are violated and the public is deceived." It appeared that defendant pretended to be a distributing